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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,956	01/12/2004	Keith Park	Hair Iron	8252
23616	7590	08/22/2005	EXAMINER	
LAW OFFICES OF CLEMENT CHENG 17220 NEWHOPE STREET #127 FOUNTAIN VALLEY, CA 92708			DOAN, ROBYN KIEU	
			ART UNIT	PAPER NUMBER

3732

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Patn

# Office Action Summary

Application No.

10/645,956

Applicant(s)

PARK, KEITH

Examiner

Robyn Doan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Applicant's Amendment filed 05/20/2005 has been entered and carefully considered. Claims 1-7 have been canceled. Claim 8 has been amended. Arguments regarding rejections 35 U.S.C 103 have not been found to be persuasive, therefore, claims 8-10 are rejected under the same ground rejections as set forth in the office action mailed 04/19/2005.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogler (1694672) in view of Gress et al (4217915).

With regard to claims 8 and 10, Rogler discloses a hair iron (figs. 1, 4-5) comprising a first and second tong blades (1, 5), a pair of barrels (see attachment A), each of the barrels having a circular cross section mounted on the first tong blade and a lower jacket (see attachment A) mounted on the second tong blade shaped with a pair of channels (4a) to receive the upper barrel, wherein the upper barrel and the lower jacket meet to form a wavy interface (figs. 3, 5), an upper handle and a lower handle

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forming a pair of handles (see attachment A), a clip assembly (see attachment A) pivotally joining the pair of handles to the pair of tong blades, wherein the first tong blade and the pair of upper barrels being integrally formed with the lower handle and the second tong blade and the lower jacket including the pair of channels being integrally formed with the upper handle (fig. 4). Rogler does not disclose each barrel having a ceramic core enveloped in a metal jacket, and the ceramic being solid, however, Gress et al discloses a hair device (figs 1-3) comprising a barrel (2) comprising a ceramic core (15) being solid and enveloping in a metal jacket (8). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the ceramic core as taught by Gress et al into the barrels of Rogler for the intended use purpose.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogler in view of Gress et al as applied to claim 8 above, and further in view of Porter (3516420).

With regard to claim 9, Rogler in view of Gress et al disclose a hair iron comprising all the claimed limitations in claim 8 as discussed above except for each of the handles comprising a sleeve mounted on the handles and the sleeve axis of rotation parallels the central axis of the handles. Porter discloses a hair iron (fig. 1) comprising a pair of handles (5, 6) with a circular uniform, each of the handle having a sleeve (8) with an annular uniform cross-section and wherein the sleeve may rotate about the handles and the sleeve axis of rotation parallels the central axis of the handles. It would have been obvious to one having an ordinary skill in the art at the time the invention was made

to employ the sleeve as taught by Porter into the hair iron of Rogler in view of Gress et al for the purpose of facilitating rotating the iron during hair curling operation.

Applicant has argued that Rogler's reference is not electrically heated and Gress et al reference does not show the use of ceramic core on tongs that are ambient heated, however, such limitations were not in the claims, therefore, the arguments are irrelevant. Applicant has also argued that each of the references does not show a ceramic core being used inside the tong heaters, however, Applicant is noted that the rejections were based on the combination of both references. Finally, Applicant has argued about the size of Gress device vs. Rogler device, however, one ordinary skill in the art would know how much ceramic core is needed for the suitable size.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Doan whose telephone number is (571) 272-4711. The examiner can normally be reached on Mon-Fri 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robyn Doan  
August 17, 2005



John J. Wilson  
Primary Examiner